

Application No.: 10/038,760

Applicants: Anthony A. Sauvé and Vern L. Schramm

Filed: January 4, 2002

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REMARKS

Claims 1-37 were pending in the instant application. By this amendment, Claims 6-9, 12, 13, 16-21, 31, 32 have been canceled without prejudice to applicants' right to pursue prosecution of these claims in a later-filed continuation or divisional application, Claims 1-3 and 34-37 have been amended, and new Claims 38-42 have been added. Applicants submit that the amendments to Claims 1-3 and 34-37, as well as new Claims 38-42, are supported by the claims and specification as originally filed and do not introduce new matter. Accordingly, entry of the foregoing claims amendments and new claims is respectfully requested.

Rejections under 35 U.S.C. 112, first paragraph

Claims 1-5, 10, 11, 14, 15, 18, 19 and 30-37 were rejected under 35 U.S.C. 112, second paragraph.

Claim 1 was rejected for the use of the term "substituted." Applicants maintain that the term "substituted" does not render the claims indefinite since the skilled artisan would readily understand the difference between "substituted" groups (e.g., phenyl, pyridyl) and "unsubstituted" groups as these terms are used in the claims. It is also noted that the specification provides on pages 7 and 8 examples of substituents that may be included with the phenyl and pyridyl groups. Applicants believe that the claims are clearly defined in a manner that permit the skilled artisan to determine infringement. Accordingly, applicants submit that the term "substituted" is not indefinite.

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Claim 2 was rejected for lack of antecedent basis for the term “N-linked aryl group.” This rejection should be moot in view of the amendments to Claim 2 hereinabove.

Claims 4 and 5 also were rejected for lack of antecedent basis for the named 2'-deoxyribose compounds. The term “primary alcohol” was mistakenly left out of Claim 1 as written in applicants’ previous amendment and was not formally deleted from Claim 1. In order to correct this mistake, Claim 1 as written hereinabove includes the language “primary alcohol.” The rejection to Claims 4 and 5 should now be moot.

In view of the preceding remarks and amendments, reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. 112, second paragraph, is respectfully requested.

Rejections under 35 U.S.C. 102(a)

Claims 1-3, 10-11, 14-15, 18-19, 30, 33 and 36 were rejected under 35 U.S.C. 102(b) as anticipated by Togo, et al. (“Togo”). Togo does not disclose the N-linked pyrimidyl or substituted pyridyl compounds claimed (see, Table 1 of Togo). Accordingly, Togo does not anticipate the claimed invention and reconsideration and withdrawal of this rejection is respectfully requested.

In view of the preceding amendments and remarks, applicants respectfully request that the Examiner reconsider and withdraw the various rejections set forth in the December 1, 2004 Office Action, and earnestly solicit allowance of the claims current pending, namely Claims 1-5, 10, 11, 14, 15, 30 and 33-42.

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It is believed that no fee, other than the \$60.00 one month extension of time fee, is necessary in connection with the filing of this Amendment. If any additional fee is required to maintain the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted

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